

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

THE UNITED STATES OF AMERICA,)
)
) **8:01CV500**
)
) **Plaintiff,**)
)
) **AMENDED**
) **v.**) **CASE MANAGEMENT ORDER**
)
)
) **DRAVO CORPORATION, DESCO**)
) **CORPORATION, and DESCO**)
) **CORPORATION d/b/a MARSHALLTOWN**)
) **INSTRUMENTS, INC.,**)
)
) **Defendants and**)
) **Third-Party Plaintiffs,**)
)
) **v.**)
)
) **BRUCKMAN RUBBER COMPANY and**)
) **THE CITY OF HASTINGS, NEBRASKA**)
)
) **Third-Party Defendants.**)

The matter is before the court on the plaintiff's motion to extend the deadline for depositions of fact witnesses (Filing No. 97), the motion of third-party defendant City of Hastings to extend (Filing No. 98), and the motion of third-party defendant Bruckman Rubber Company to extend (Filing No. 99). Upon consideration, the motions will be granted as set forth below.

IT IS ORDERED:

1. The plaintiff's motion to extend the deadline for depositions of fact witnesses (Filing No. 97) is granted as set forth below.
2. The motion of third-party defendant City of Hastings to extend (Filing No. 98) is granted as set forth below.
3. The motion of third-party defendant Bruckman Rubber Company to extend (Filing No. 99) is granted as set forth below.
4. The March 26, 2002 Case Management Order (Filing No. 37) is amended to the extent set forth below. Any deadlines in the previous case management order which were reached are not extended herein unless explicitly set forth.

5. **Depositions of Fact Witnesses.** Depositions of fact witnesses which commenced **on July 1, 2002 shall continue until August 15, 2003.**

6. **Plaintiff and Defendants/Third-Party Plaintiffs' Expert Reports.** Plaintiff and defendants/third-party plaintiffs' expert reports shall be served **on or before October 10, 2003.**

7. **Third-Party Defendants' Identification of Expert Witnesses and Expert Reports.** Third-party defendants' identification of their expert witnesses and their expert reports shall be served **on or before November 10, 2003.**

8. **Rebuttal Expert Reports.** The rebuttal expert reports of all parties shall be served **on or before December 12, 2003.**

9. **Expert Discovery.** Expert discovery shall commence **on December 15, 2003 and continue until March 12, 2004.**

10. **Depositions for Use at Trial.** The taking of depositions for use at trial shall begin **on March 15, 2004 and continue until May 17, 2004.** To the extent either that the admissibility of other depositions has been stipulated by the parties or that other depositions meet the qualifications set forth in Rule 32 of the Federal Rules of Civil Procedure ("Use of Depositions in Court Proceedings"), depositions not specifically taken for use at trial may also be used at trial.

11. **Dispositive Motions.** Dispositive motions shall be filed **on or before July 14, 2004.** Responses to such motion shall be filed **August 25, 2004.**

12. **Motions in Limine.**

A. **Daubert Motions.** Any motion *in limine* challenging the admissibility of testimony of an expert witness under Rule 702, Fed. Rules of Evidence shall be filed not later than **May 3, 2004. See *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999); *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993).**

B. **Any other** motions *in limine* shall be filed not later than **November 8, 2004.**

13. **Settlement and Pretrial Conference.** A telephone pretrial conference to discuss settlement prospects and the requirements for the Joint Pretrial Order will be

conducted with the undersigned magistrate judge **at 9:00 a.m. on June 1, 2004**. Plaintiff's counsel shall initiate the telephone conference.

14. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall provide to all other parties the following information regarding the evidence that it may present at trial other than solely for impeachment purposes as soon as practicable **but not later than the date specified:**

A. Deposition Testimony and Discovery: On or before November 1, 2004: 1) The portions of each deposition, designated by page and line, that it intends to offer and 2) each discovery response of another party it intends to offer. Such designations and any objections thereto shall also be included in the final pretrial conference order. **See NELR 16.2.**

B. Trial Exhibits - On or before November 1, 2004: A list of all exhibits it expects to offer by providing a numbered listing and permitting examination of such exhibits. The parties shall also designate on the list those exhibits it may offer only if the need arises.

15. **Joint Pretrial Order.** The parties shall prepare and submit to the undersigned magistrate judge a Joint Pretrial Order in accordance with Fed. R. Civ. P. 16(c) and the Local Rules of this Court **on or before November 24, 2004.**

16. **Final Pretrial Conference.** The Court shall conduct a final pretrial conference in chambers, Suite 2271, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on November 29, 2004.**

17. **Trial.** Trial of this matter will commence before Judge Joseph F. Bataillon **on December 13, 2004.**

DATED this 21st day of April, 2003

BY THE COURT:

s/Thomas D. Thalken

THOMAS D. THALKEN

United States Magistrate Judge